

Digital copy protection is a fundamental issue for artists, manufacturers and consumers. In the last few years we have seen a rise of piracy on a massive global scale. Particularly in the music industry has this been seen. The reasons for this problem are many and varied, however the root of the problem is likely the ease with which it is possible, and the quality of the content once copied. By no means do I advocate piracy in any form, but at the same time the rights of the consumer must be taken into consideration.

When Napster went online the world was given the opportunity to pirate music easily, relatively anonymously, and in high quality. Because of this piracy has abounded and the copyright holders are running to catch up to things and put a stop to piracy. At this point however most available solutions are rather draconian in nature. By making CD's which cannot be played on computers, or transferred to portable MP3 players, the music industry has caused a backlash from customers, and interfered with the fair rights uses of consumers.

At this point in time the opportunity is still available to protect High Definition Content. However the protection of content must not come at the expense of the consumer. To this end there are a number of issues that must be addressed. One of the most prominent and talked about copy protection methods proposed is that of a DVI (digital visual interleave) or IEEE 1394 (Firewire) connection for Televisions. The idea being that these connections would be necessary to display full resolution High Definition Content. This approach has a number of downfalls. The first of which being the fact that approximately 3 million HDTV's have been sold to date, at a cost of several billion dollars on the part of consumers. This is an unacceptable solution to the millions who have already purchased HDTV's with the expectation that these TV's would be able to display HD content. The early adopters are the people that decide the survival of technology, and to make obsolete the investments of so many people will just make people shy to adopt new technologies. And would seem to be punishing the consumer because of the fears of the industry. At this point in time the main concern is to protect the investments of the consumers who have already embraced HDTV by guaranteeing that we will always be able to receive full resolution HDTV through component inputs.

Unfortunately copy protection plans such as DVI and Firewire are more about control over the consumer than copyright protection, and the rights and privileges that the consumer now enjoys should be preserved. It is my proposal that copy protection can be achieved much easier by placing the controls in the recording devices. While I do not agree with piracy, the fact is that it exists and is easily achieved. But right now this can only be done at a lower quality. There is still time to implement hardware regulations to prevent piracy of high definition content. Before more high definition recorders enter the market and at lower prices than the current DVHS machines available regulations should be put in place to implement the flag system which has been proposed. By a system of flags movies could be released that are flagged not to be copied, while Television programming would allow recording to give consumers the same freedoms we now enjoy with out current analog television and VCR's and further to that there could even be flags such as record once used as necessary for things like pay per view events.

By concentrating on the recording devices as the source of copy protection mechanisms you would ensure the continued usefulness of all HDTV's already purchased, while still protecting content as it needs to be. It should also be recognized that copy protection in the form of new connection interfaces only

punishes the honest consumer who is already willing to pay for their content. The people who are intent on piracy will not be deterred by these special inputs on tv's, they would either develop illegal boxes to convert the connection to one they could pirate, or find some other way around it. In addition there would still be the threat of people using the DVHS's and soon to come HD-DVD recorders to continue their piracy with these new connections. As the saying goes if it is playable it is pirateable. And the sad truth is someone will always find a way around copy protection. So while every effort should be made to prevent this piracy the rights of the consumer must be protected.

A few years ago the movie studios tried to push DIVX on the consumer as a new standard over DVD. Now it is obvious where this move brought them, and it is not because DIVX was an inferior product, rather it was because DIVX circumvented the fair rights uses of the consumer. Who wants to purchase a movie that can only be viewed on one machine, or viewed a certain number of times. Consumers are used to and expect to be able to watch a movie which they purchase as many times as they want, and if they wish to take that movie with them and watch it at a friends house then there should be no impediment. But DIVX did not allow this, as the studios wanted DIVX trapped the consumer into doing whatever the studio dictated. And this is unacceptable. We the consumer have rights which must be respected, and removing these rights under the guise of copy protection is no different than a democratic government declaring martial law and setting up a despotic regime because of a few criminals. The masses must not be punished for the crimes of a few because if they are then where is the freedom we so often speak of. Copy protection methods can and must be implemented in such a way as to prevent large scale copying and distribution of copyrighted material. The checks and balances which are in place currently for VCR's are the kind of system needed. Allow people to record broadcasts they paid for. But stop it there. Aim the protection at things like preventing the replication of these materials. If the day ever comes where someone cannot legally record a program for future viewing, or buy a product and expect to use it for the purpose which it was made, without having it outdated every year or two by new and "better" copy protection methods then we would be better off if the production of consumer electronics was simply outlawed. At least then the hard earned money of the consumer would not have been thrown away.

Please respect the consumer and preserve our rights.

Sincerely

William L. Bandy
2185 Major Loring Way
Marietta, GA 30064

Wlbandy35@mindspring.com